

REMARKS

Claims 1-28 are pending of which claims 1-3, 14, 18, 23-26 and 28 are independent. In this Amendment, claims 4-9 and 13-28 have been cancelled, claims 1-3 have been amended to incorporate subject matter of cancelled claims 1-3, and claims 10-12 have been amended to incorporate subject matter of cancelled claim 20. Care has been exercised not to introduce new matter.

Claim Objection

Claim 14 is objected to because of informalities. Claim 14 has been cancelled and the rejection is rendered moot. Withdrawal of the objection is respectfully requested.

Rejections Under 35 U.S.C. § 102

Claim 28 was rejected under 35 U.S.C. § 102(b) as being anticipated by Negishi et al. (U.S. Publication No. 2002/0053087, hereinafter “Negishi”). Claim 28 has been cancelled and the rejection is rendered moot. Traverse of the rejection is respectfully requested.

Claims 1-3, 13-16, 18, 23, and 26-27 were rejected under 35 U.S.C. § 102(e) as being anticipated by Creamer et al. (U.S. Patent No. 6,930,709, hereinafter “Creamer”). The rejections are respectfully traversed for the following reasons. Claims 13-16, 18, 23 and 26-27 have been cancelled and the rejections thereto are rendered moot. Claims 1-3 have been amended to incorporate subject matter of cancelled claim 4-6. Thus, the rejections with respect to claims 1-3 under 35 U.S.C. §102(e) are rendered moot for the above amendment.

Rejections Under 35 U.S.C. § 103

Claims 7-9 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Creamer further in view of Qi et al. (U.S. Publication No. 2002/0028672, hereinafter “Qi”).

Claims 7-9 and 20 have been cancelled and the rejections are rendered moot. Therefore, traverse of the rejections is respectfully requested.

Claims 4-6, 19, and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Creamer further in view of Kiyokawa (U.S. Patent No. 6,204,877, hereinafter “Kiyokawa”). Traverse of the rejections is respectfully requested for the following reasons.

Amended claims 1-3, which inherit the rejections with respect to claims 4-6 under 35 U.S.C. §103(a), are patentable over the combination of the Creamer and Kiyokawa for the following reasons.

As a preliminary matter, *KSR Int’l. Co. v. Teleflex, Inc.* No. 04-1350 (U.S. April 30, 2007) requires the Examiner “to explicitly identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the (prior art) elements.”

The Examiner combined Creamer’s teaching of having a controller for the PCMCIS slot and Kiyokawa’s teaching of having a system controller to assert the digital camera is obvious. The Examiner, however, failed to explicitly identify the reason that would have prompted a person of ordinary skill in the art to combine the prior art.

Creamer’s internet/intranet camera is very different from Kiyokawa’s electronic image pickup apparatus operable through another electronic image pickup apparatus. Creamer relates to a camera which connects to the Internet and transmits captured images to an Internet address over the Internet by which an authorized user can access to the images. On the other hand, Kiyokawa relates to two or more electronic still cameras one of which operates as the slave side and another of which operates as the master side to control the operation of the camera on the slave side.

In view of the above differences between Creamer and Kiyokawa, it would not have been obvious to combine the teachings of Creamer and Kiyokawa. One of ordinary skill in this art would not look to two or more cameras one of which operation is controlled by the other to solve a problem in a camera which allow authorized users to access captured images. The Examiner failed to explicitly set forth the reason for combining Creamer's internet/intranet digital camera with Kiyokaw's electronic image pickup apparatus.

Claims 19 and 24 have been cancelled and the rejections are rendered moot.

Claims 10-12 and 21-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Creamer. Claims 10-12 have been amended to incorporate subject matter of cancelled claim 20 which were rejected under 35 U.S.C. §103(a) as being unpatentable over Creamer further in view of Qi et al. Claims 10-12 which inherits rejections with respect to claim 20 are patentable for following reasons.

Although the Examiner attempted to combine Creamer's teaching of having DRAM controller 204, 226 with Qi's pool content database to assert the claimed digital camera is obvious. The Examiner, however, failed to explicitly identify the reason that would have prompted a person of ordinary skill in the art to combine the prior art as required under *KSR v. Teleflex*.

Creamer relates to a camera which connects to the Internet and transmits captured images to an Internet address over the Internet by which an authorized user can access to the images. On the other hand, Qi is related to a presentation of content from one cellular phone to another cellular phone via a computer network. In view of the above differences between Creamer and Qi, it would not have been obvious to combine the teachings of Creamer and Qi. One of ordinary skill in this art would not look to the cellular phone art to solve a problem in digital

cameras. The Examiner failed to explicitly set forth the reason for combining Creamer's digital camera with Qi's cellular phone.

Furthermore, even if Creamer was forcibly combined with Qi, Applicant does not believe such a combination would be obvious, because the combination of Creamer and Qi would fail to disclose the following limitation of claims 10-12, "a buffer processing unit which saves an image to the buffer memory when transmission of the image to the file server fails."

The DRAM controller 204, 226, on which the Examiner relies to disclose the buffer processing unit, is silent about the above limitations as acknowledged by the Examiner. Moreover, the Examiner asserted the operation of Qi's content pool database 12 teaches the above limitation on paragraph 8 of the Office Action. On the contrary to the Examiner's assertion, content pool database 12 is not same as the buffer memory. Qi is silent about any processing unit to control the save operation in the pool content database 12.

In addition, the combination of Creamer and Qi fails to disclose the limitation of claims 10-12, "the communication control unit transmits the image read by the buffer processing unit and the image obtained by shooting to the file server in this order."

As the Examiner acknowledges on page 11 of the Office Action, Creamer does not disclose the order in which the image data directly from the image pick and the image data from the buffer memory are transmitted. On the contrary, in the invention of claims 10-12, the image read by the buffer processing unit (from the buffer memory) is transmitted before the transmission of the image obtained by shooting. Qi, which was cited for the buffer processing unit's saving operation of image, is silent about the limitation.

Accordingly, as each and every limitation must be disclosed or suggested by the cited prior art references in order to establish a *prima facie* case of obviousness (*see*, M.P.E.P. §

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2143.03) and for at least the foregoing reasons the combination of Creamer and Qi, it is respectfully submitted that claims 10-12 are patentable over the combination of Creamer and Qi.

Conclusion

Applicant submits that all of the claims are in condition for allowance. Accordingly, this case should now be ready to pass to issue; and Applicant respectfully requests a prompt favorable reconsideration of this matter.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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